

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

OSCAR TALAMANTES SANCHEZ	§	
	§	
VS.	§	CASE NO. 2:19-cv-00002
	§	
AIG PROPERTY CASUALTY COMPANY	§	JURY REQUESTED

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW AIG PROPERTY CASUALTY COMPANY, Defendant in the above entitled and numbered cause, and files this Notice of Removal of the present cause from the 83rd Judicial District Court of Val Verde County, Texas, in which it is now pending, to the United States District Court for the Western District of Texas, Del Rio Division, showing the Court as follows:

1. This cause was commenced in the 83rd Judicial District Court of Val Verde County, Texas, on December 5, 2018, when Plaintiff's Original Petition was filed in Cause Number 34318, naming AIG Property Casualty Company as Defendant. A copy of Plaintiff's Original Petition is attached hereto and incorporated herein for all purposes to this Notice of Removal.

2. AIG Property Casualty Company was served with a copy of Plaintiff's Original Petition on December 13, 2018. A copy of the Citation served on Defendant AIG Property Casualty Company indicating date of service is attached hereto and incorporated herein for all purposes.

3. Plaintiff filed this civil action, alleging a cause of action for breach of contract, breach of duty of good faith and fair dealing, violations of the Texas Deceptive Trade Practices-Consumer Protection Act, and Request for Declaratory Relief. Defendant AIG Property Casualty

Company filed a responsive pleading in State Court on December 21, 2018, a copy of which is attached hereto and incorporated herein for all purposes.

4. Plaintiff alleges in Plaintiff's Original Petition that Plaintiff Oscar Talamantes Sanchez is an individual residing in Del Rio, Val Verde County, Texas. Plaintiff is, therefore, a citizen of Texas.

5. Currently, and at all times relevant to this lawsuit, Defendant AIG Property Casualty Company is organized and existing under the laws of the State of Pennsylvania with its principal place of business in New York. Defendant AIG Property Casualty Company, therefore, is a citizen of Pennsylvania and New York, but is not a citizen of Texas.

6. AIG Property Casualty Company would further show that the correct entity which issued the policy at issue in this lawsuit is National Union Fire Insurance Company of Pittsburgh, PA. Currently, and at all times relevant to this lawsuit, National Union Fire Insurance Company of Pittsburgh, PA is an insurance company organized and existing under the laws of the State of Pennsylvania with its principal place of business in New York. Defendant National Union Fire Insurance Company of Pittsburgh, PA, therefore, is a citizen of Pennsylvania and New York, but is not a citizen of Texas.

7. Complete diversity of citizenship exists between the adverse parties in the present cause for the purposes of federal removal jurisdiction pursuant to 28 U.S.C. §1441.

8. In Paragraph II of Plaintiff's Original Petition, Plaintiff seeks monetary damages in an amount of \$1,000,000.00, plus attorney's fees. Therefore, the amount in controversy greatly exceeds \$75,000.00, exclusive of interest and costs.

9. This action is one over which this Court has original jurisdiction under the provisions of Title 28, United States Code §§ 1332 and 1441(a) in that it is a civil action between

completely diverse parties and that amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

10. This Notice of Removal is timely filed in accordance with 28 U.S.C. §1446(b), in that it is filed within thirty (30) days of the service of Plaintiff's Original Petition on Defendant and within one year of the initial filing of the lawsuit.

11. Upon filing of this Notice of Removal of this cause, written notice of the filing by Defendant to Plaintiff has been provided as required by law. A copy of this Notice is also being filed with the Clerk of the State Court in which this cause was originally filed.

11. Defendant hereby requests a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant prays for removal of the above entitled and numbered cause from the 83rd Judicial District Court of Val Verde County, Texas to this Honorable Court.

Respectfully submitted,

By: /s/ Norton A. Colvin, Jr.

Norton A. Colvin, Jr.

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ATTORNEYS FOR DEFENDANT
AIG PROPERTY CASUALTY COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Notice of Removal was served upon all counsel of record, to-wit:

George Salinas
Email: George@salinastriallaw.com
Law Offices of George Salinas
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San Antonio, Texas 78201
Attorneys for Plaintiff

by ECF delivery, electronic transmission, certified mail, return receipt requested, hand delivery, and/or facsimile transmission pursuant to the Federal Rules of Civil Procedure, on this the 8th day of January, 2019.

/s/ Norton A. Colvin, Jr.

Norton A. Colvin, Jr.